

1 I make the following FINDINGS - that the Defendant

2 understands:

- 3 1. the right to persist in a plea of "not guilty";
- 4 2. the right to a speedy and public trial;
- 5 3. the right to be tried by a jury, or the ability to
6 waive that right and have a judge try the case without
7 a jury;
- 8 4. the right to the assistance of counsel at trial;
- 9 5. that, at trial, there would be the right to confront
10 and cross-examine the witnesses against the Defendant;
- 11 6. that, at trial, there is the right to present a
12 defense, and the right to have witnesses subpoenaed to
13 testify on the Defendant's behalf;
- 14 7. that, at trial, the Defendant would have the right
15 against compelled self-incrimination;
- 16 8. the nature of the charge filed in this case;
- 17 9. the maximum possible sentence that could be imposed
18 (including imprisonment, fine, term of supervised
19 release, and mandatory special assessment), the effect
20 of a supervised release term, and that the sentencing
21 guidelines are only advisory so that the Court may
22 sentence Defendant up to the statutory maximum;
- 23 10. the terms of the plea agreement;

24 I further find that:

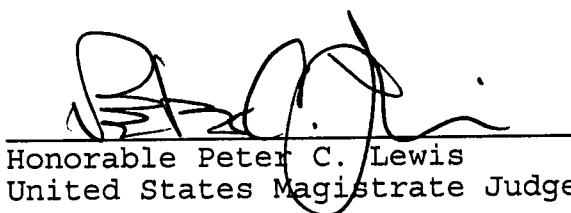
- 25 11. that Defendant's plea of guilty is made knowingly and
26 voluntarily;
- 27 12. the Defendant is competent to enter a plea; and
- 28 13. there is a factual basis for Defendant's plea.

1 I therefore RECOMMEND that the District Judge accept the
2 Defendant's plea of guilty.

3 The sentencing hearing will be before United States District
4 Judge Marilyn Huff June 2, 2008, at 9:00 a.m.

5 Objections to these Findings and Recommendation must be
6 filed within 14 days of the date of this order.

7
8 Dated: 3/19/08

9
10 
Honorable Peter C. Lewis
United States Magistrate Judge

11 Copies to:

12 Hon. Marilyn Huff
U.S. District Judge

13
14 Assistant United States Attorney

15 Ray Antonio Estolano, Esq.
Counsel for Defendant

16

17

18

19

20

21

22

23

24

25

26

27

28